



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,860	12/06/2005	Ali Nifuroshan	101663.0001US2	7437
24392 7590 09/19/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232				
EXAMINER				
NGUYEN, SON T				
ART UNIT		PAPER NUMBER		
3643				
MAIL DATE		DELIVERY MODE		
09/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,860

Applicant(s)

NILFUROSHAN, ALI

Examiner

Son T. Nguyen

Art Unit

3643

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 61-71** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added limitation of flaps that fit around the horse's neck above a wither region is not described in the specification because the specification only described the flaps wrapping around the legs and not the neck. All other claims are also rejected also because they depend on claim 61.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 61-71** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 61, the phrase "having flaps that fit around the horse's neck above a wither region" is unclear because the flaps only wrap around the legs and not the neck. All other claims are also rejected also because they depend on claim 61.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 61,63,67-70** are rejected under 35 U.S.C. 103(a) as being unpatentable over DE20021260U1 (herein DE260) in view of Taudauchi et al. (JP410113088A) and Osborn (233275).

For claim 61, DE260 (Previously presented) A temperature altering system, comprising: a blanket 1 sized and dimensioned to drape over a horse; first and second pockets 2 disposed on an underside (see detailed description which states the pockets can be inside or outside of the blanket) of the blanket, each of which has a cavity that includes a removable temperature altering device (see detailed description, the heat pads). However, DE260 is silent about the blanket having flaps that fit around the horse's neck above a withers region and extending rearward fitted around a hindquarter region of the horse, or the blanket having a flap sized and dimensioned and positioned to secure the blanket to at least one leg of the horse; and each of the altering device which is freely positionable about the blanket using hook and loop fasteners.

Osborn teaches a horse blanket having flaps E,G that fit around the horse's neck above a withers region and extending rearward fitted around a hindquarter region of the horse, or the blanket having a flap G sized and dimensioned and positioned to secure the blanket to at least one leg of the horse. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to employ flaps as taught by Osborn for the blanket of DE260 in order to further secure the blanket onto the horse.

Taudauchi et al. teach a temperature altering system, comprising: a removable temperature altering device 21, and each of which is freely positionable about the blanket using hook and loop fasteners 32. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a removable temperature altering device, and each of which is freely positionable about the blanket using hook and loop fasteners as taught by Taudauchi et al. in place of the preferred removable temperature altering device of DE260 in order to allow the user to move the altering device around to different locations and to allow the altering device to be secured to the location by providing hook and loop fasteners.

For claim 63, DE260 as modified by Osborn and Taudauchi et al. (emphasis on DE260) further teaches wherein the first pocket has a flap 5 disposed to assist in keeping a corresponding one of the temperature altering devices within a cavity of the first pocket.

For claim 67, DE260 as modified by Osborn and Taudauchi et al. (emphasis on DE260) further teaches wherein the pockets mate with a top side of the blanket (see detailed description, the pockets can be arranged on the inside or outside of the blanket).

For claim 68, DE260 as modified by Osborn and Taudauchi et al. (emphasis on DE260) further teaches wherein the pockets mate with a bottom side of the blanket (see

detailed description, the pockets can be arranged on the inside or outside of the blanket).

For claim 69, DE260 as modified by Osborn and Taudauchi et al. (emphasis on Osborn) further teaches wherein the flap is positioned to secure the blanket at a rear portion of the horse (see fig. 1 of Osborn).

For claim 70, DE260 as modified by Osborn and Taudauchi et al. (emphasis on Osborn) further teaches wherein the flap is coupled to a rear portion of the blanket (see fig. 1 of Osborn). DE260 as modified by Osborn and Taudauchi et al. is silent about an additional pocket in the flap. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an additional pocket in the flap of DE260 as modified by Osborn and Taudauchi et al., depending on where the animal needs temperature treatment.

7. **Claims 62,66** are rejected under 35 U.S.C. 103(a) as being unpatentable over DE260 as modified by Osborn and Taudauchi et al. as applied to claim 61 above, and further in view of Newman (5271211).

For claim 62, DE260 as modified by Osborn and Taudauchi et al. is silent about wherein the underside of the blanket includes a wicking material.

Newman teaches an animal cover 24 which includes a wicking material on an underside of the cover (col. 6, lines 25-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a wicking material as taught by Newman on the underside of the blanket of DE260 as modified by Osborn

and Taudauchi et al. in order to promote evaporation of perspiration away from the body of the animal (col. 6, lines 25-34 of Newman).

For claim 66, in addition to the above, Newman also teaches a reflective material on the top panel 100 of the cover 24 (col. 6, lines 25-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a reflective material as taught by Newman on a side adjacent the blanket of DE260 as modified by Osborn and Taudauchi et al. in order to promote heat or sun reflectance (col. 6, lines 35-36 of Newman).

8. **Claim 64** is rejected under 35 U.S.C. 103(a) as being unpatentable over DE260 as modified by Osborn and Taudauchi et al. as applied to claim 61 above, and further in view of Fazio (6443101).

DE260 as modified by Osborn and Taudauchi et al. is silent about wherein the first pocket has a zipper disposed to assist in keeping a corresponding one of the temperature altering devices within a cavity of the first pocket.

Fazio teaches an animal cover including a pocket 80 with zipper to close the opening 82 of the pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a zipper as taught by Fazio on the pocket of DE260 as modified by Osborn and Taudauchi et al. in order to allow a user to open and close the pocket so that the temperature altering device can be removed or retained in the pockets.

9. **Claim 65** is rejected under 35 U.S.C. 103(a) as being unpatentable over DE260 as modified by Osborn and Taudauchi et al. as applied to claim 61 above, and further in view of Beeghly et al. (5537954).

DE260 as modified by Osborn and Taudauchi et al. is silent about wherein the first pocket has a button disposed to assist in keeping a corresponding one of the temperature altering devices within a cavity of the first pocket.

Beeghly et al. teach an animal cover having a pocket with a button 36 disposed to assist in keeping a corresponding one of the temperature altering devices within a cavity of the first pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a button as taught by Beeghly et al. on the pocket of DE260 as modified by Osborn and Taudauchi et al. in order to allow a user to open and close the pocket so that the temperature altering device can be removed or retained in the pockets.

10. **Claim 71** is rejected under 35 U.S.C. 103(a) as being unpatentable over DE260 as modified by Osborn and Taudauchi et al. as applied to claim 61 above, and further in view of Longtin (2003/0061790A1).

DE260 as modified by Osborn and Taudauchi et al. is silent about wherein the blanket further comprises a detachable neck protrusion, wherein the protrusion includes an additional pocket.

Longtin teaches an animal cover comprising a detachable neck protrusion 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a detachable neck protrusion as taught by Longtin in the blanket of

DE260 as modified by Osborn and Taudauchi et al. in order to cover the neck area of the animal.

DE260 as modified by Osborn, Taudauchi et al. and Longtin is silent about an additional pocket in the neck protrusion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an additional pocket in the neck protrusion of DE260 as modified by Osborn, Taudauchi et al. and Longtin, depending on where the animal needs temperature treatment.

Response to Arguments

11. Applicant's arguments with respect to claims 61-69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T. Nguyen/
Primary Examiner, Art Unit 3643